

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SUITS – PJP Gadwal, Mahabubnagar District – Gadwal (Mandal) –Basaracheruvu (Village and Mandal) - O.P.No.308/95 and batch of (29 O.Ps) – Sanction of Decretal charges of **Rs.2,44,726/-** - Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 487

DATE:24.07.2010

Read the following:

- 1) From the Special Collector, Bheema Project, Mahabubnagar District Lr.Rc.B3/262/1996, dated:01.11.2007.
- 2) From the Spl.CS to Govt & CCLA, AP, Hyd Lr.No.SRP4/644/08, DT:29.05.09.

O R D E R:

The Special Collector, LA, Bheema Project, Mahabubnagar District has submitted the proposals for sanction of final payment of decretal charges in respect of O.P.No.308/95 & batch (28 O.Ps). pertaining to Gadwal (Mandal) Basaracheruvu (V) of Mahabubnagar District. The then SDC, LA, PJP, Gadwal has acquired the dry lands in Sy.No.41/1 etc for an extent of Ac.23.32 of Basaracheruvu (V) by fixing the market value @Rs16,000/- per acre through Award No.14/94 dt:26.09.94. The awardees have filed petitions u/s18 (1) of L.A.Act with a request to refer the matter to the Civil Court for adjudication. The Sr.Civil Judge, Gadwal had delivered judgments by enhancing the market value from Rs.16,000/- to Rs.45,000/- per acre. Aggrieved with the market value enhanced by the Lower Court, the SDC, Gadwal has filed appeal in the Hon'ble High Court of A.P, Hyderabad. The High Court of Andhra Pradesh, Hyderabad has granted interim stay orders on condition to pay 50% of decretal amount. Accordingly, an amount of Rs.5,33,594/- was sanctioned and the same has been deposited in the Sr.Civil Judge Court, Gadwal on 05.02.98. Finally, the Hon'ble High Court has disposed the appeals filed by the SDC, Gadwal by reducing the market value from Rs.45,000/- to Rs.33,000/- per acre and confirmed the Lower Court orders in other respects in A.S.No.2270/96 & batch (28 O.Ps). The SDC has filed appeals by way of SLP before the Hon'ble Supreme Court of India and the SLP was dismissed on 11.01.2002 vide CC No.9501-9528.

- 2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.2,44,726/- (Rupees Two lakhs forty four thousand seven hundred and twenty six only)** in respect of O.P.No.308/95 and batch (28 cases) pertaining to Basaracheruvu (V) Gadwal (M) of Mahabubnagar District may be agreed to subject to verification whether the reference under section 18(1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Section 18 reference was made contrary to the rules/guidelines issued by the Government/ Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

(PTO)

3) The expenditure sanctioned in para (2) above shall be debitable to following Head of Account under "4701- SMJH – 01- Major Irrigation – M.H.122 – Jurala Project G.H.11 – NSP – SH (27) – Canals and Distributaries - 530 Major Works – 532 Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

4) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.785/F2(2)/2009-1, dated 12.03.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To

The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.

The Special Collector, LA, Bheema Project, Mahabubnagar.

The Engineer-in-Chief, I&CAD, Erramanzil, Hyderabad.

The SDC, LA, PJP, Gadwal, Mahabubnagar.

The Director of Works Accounts, Hyderabad.

Copy to: P.S. to Minister (M& MI).

Finance (W&P) Department/File C.No.32687/LA.III(A2)/2007

SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER